



Ninety-Eighth Legislature - Second Session - 2004
Committee Statement
LB 987

Hearing Date: February 18, 2004

Committee On: Judiciary

Introducer(s): (Bourne, Connealy, Synowiecki)

Title: Create the offense of strangulation

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

8 Yes Senators Brashear, Chambers, Foley, Mines, Mossey, Pedersen,
 Quandahl, Tyson

No

Present, not voting

Absent

Proponents:

Senator Pat Bourne

John Ewing

Susan Michalski

Michelle

Erin Richardson

Tara Muir

Representing:

Introducer

City of Omaha

YWCA

YWCA Omaha

Domestic Violence Sexual Assault Coalition

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 987 creates the criminal offense of strangulation. A person commits strangulation if he or she knowingly or intentionally impedes the normal breathing or circulation of another person by either applying pressure on the throat or neck or blocking the nose or mouth.

Strangulation is punishable as a class IV felony except for the following situations in which it is punishable as a class III felony:

- a dangerous weapon is used in the perpetration of the crime;
- serious bodily injury results from the strangulation; or
- the perpetrator has been previously convicted of strangulation.

An affirmative defense is also provided for legitimate medical procedures which result in strangulation.

Explanation of amendments, if any:

The committee amendment to LB 987 removes language describing the act of asphyxiation from the definition of strangulation found in the bill.

Senator Kermit A. Brashear, Chairperson